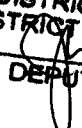


FILED

AUG 26 2021

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY  DEPUTY CLERK

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

ROY C. SPEGELE, individually and on behalf
of all others similarly situated,

Plaintiff,

v.

USAA LIFE INSURANCE COMPANY,

Defendant.

Case No. 5:17-cv-967-OLG

**ORDER AND FINAL JUDGMENT GRANTING UNOPPOSED MOTION PURSUANT TO
RULE 23(H) FOR AN AWARD OF ATTORNEYS' FEES, COSTS, AND
EXPENSES TO CLASS COUNSEL AND NAMED PLAINTIFF SERVICE AWARD**

This matter comes before the Court on Class Counsel's Unopposed Motion Pursuant to Rule 23(h) for an Award of Attorneys' Fees, Costs, and Expenses and for Named Plaintiff Service Award. Doc. 108. The Motion is hereby **GRANTED** and Judgment is entered as follows:

Class Counsel has requested an award of attorneys' fees of thirty (30) percent of the \$90,000,000 Settlement Fund, which results in a fee award of \$27,000,000. The Court finds that this percentage of the fund is a reasonable percentage and fits comfortably within the range of typical percentages of common funds awarded as reasonable fees in this Circuit and elsewhere and is comparable to awards in similar cases. The Court also finds the requested fee is supported by the factors identified by the Fifth Circuit in *Johnson v. Georgia Highway Express, Inc.*, 488 F.2d 714 (5th Cir. 1974), including the substantial time and labor involved; the novelty and difficulty of the issues in the case; the skill required of Class Counsel; the complexity of the case, which precluded Class Counsel from accepting other work; the contingent nature of the fee; the significant monetary amount and the excellent results obtained; the extensive experience,

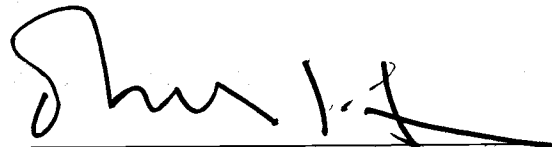
reputation, and ability of Class Counsel; the undesirability of the case due to the risk of non-recovery and well-financed corporate defendant; and the nature and duration of the professional relationship between Class Counsel and Mr. Spegele. The Court thus grants Class Counsel's motion for an award of thirty (30) percent of the Settlement Fund.

The Court also grants Class Counsel's request for reimbursement for costs and expenses in the amount of \$176,165.01 from the Settlement Fund. This amount is reasonable and was incurred for typical expenses in complex class action litigation.¹

Finally, the Court grants Class Counsel's request for a service award to Plaintiff Roy C. Spegele in the amount of \$20,000 be paid from the Settlement Fund for his contributions to this litigation on behalf of the class.

IT IS SO ORDERED.

Dated: 8.26.21



Orlando L. Garcia
Chief United States District Judge

¹ For the reasons explained in the Court's Order and Judgment Granting Final Approval of the Settlement, the Court overrules the lone objection received to the requested award for attorneys' fees and expense reimbursement.